1	BEFORE THE HUMAN RIGHTS COMMISSION OF THE STATE OF MONTANA
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4	Kathy Burns,) Case No. 0026009900/9920 Charging Party,)
5	ORDER SUSTAINING OBJECTION TO NOTICE OF DISMISSAL AND
6	Dynamic Recovery, Respondent. REMAND FOR CONTESTED CASE HEARING
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9	The above captioned matter came before the Montana Human Rights Commission
10	(Commission) on September 20, 2002. The matter was before the Commission on Charging
11	Party's Objection to Notice of Dismissal. Oral argument was requested and the matter was
12	considered following oral argument. Appearing before the Commission was Tim Kelly, attorned
13	for Charging Party, and Dan McGregor for the Human Rights Bureau. Respondent did not
14	appear.
15	After considering the record and arguments of counsel, the Commission SUSTAINED
16	Charging Party's objection, and REMANDS the above captioned matter to the Department of
17	Labor and Industry Hearings Bureau for a contested case hearing pursuant to MCA §49-2-505.
18	The Commission finds that the Human Rights Bureau investigation only addressed two of the
19	three allegations raised, and on all three issues there is need for a hearing where a fact-finder is
20	able to evaluate evidence equally from all sides.
21	IT IS HEREBY ORDERED that Charging Party's Objection to Notice of Dismissal is
22	SUSTAINED and this case is REMANDED to the Department of Labor and Industry Hearings
23	Bureau for notice of a contested case hearing.
24	Dated this day of September, 2002
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26	Gary Hindoien, Chair, Montana Human Rights Commission
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3	CERTIFICATE OF SERVICE
4	The undersigned hereby certifies that a true copy of the foregoing was served to the following
5	persons via US Mail, postage prepaid, on the day of September, 2002
6	Timothy C. Kelly Attorney at Law PO Box 65 Emigrant, MT 59027
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9	Attn: John Batkos 2775 Villa Creek Drive Dallas, TX 75234
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13	Human Rights Bureau
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28	Order - 2